

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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)	
)	MDL No. 2:18-mn-2873-RMG
IN RE: AQUEOUS FILM-FORMING FOAMS)	
PRODUCTS LIABILITY LITIGATION)	<u>This Document relates to:</u>
)	<i>City of Stuart v. 3M Company, et al</i>
)	
)	No. 2:18-cv-03487
	x	

**PLAINTIFF’S SUPPLEMENTAL SUBMISSION REGARDING
UPDATED DEPOSITION DESIGNATIONS – WITHDRAWAL
OF OBJECTIONS AND DESIGNATIONS**

Plaintiff City of Stuart, by and through its counsel, hereby submits this update regarding previously submitted deposition designations and objections in advance of the June 2, 2023, pretrial conference. The parties updated the Court regarding evidentiary disputes on May 22, 2023 [ECF. No 3155], and Defendant 3M Company subsequently submitted additional updates regarding its withdrawal of objections and counter designations and its updated affirmative designations [ECF. Nos 3195, 3085]. Consistent with those updates and the parties’ continued conferral and review of deposition designations, Plaintiff provides the following information:

1. 3M has withdrawn most of its objections to Plaintiff’s deposition designations, and Plaintiff has now withdrawn all objections to Defendants’ counter designations except two lines for one witness (Brian Mader). 3M’s remaining objections relate to the deposition of Dr. John Butenhoff.
 - To reflect these updates, Plaintiff is re-submitting as exhibits hereto the modified forms. For ease of reference, each deposition designation form retains its original Exhibit number as filed previously [*see e.g.*, ECF No. 3087].

For the Court's convenience, Plaintiff delineates the remaining deposition designation forms that are attached thereto:

- Exhibit 1: Dale Bacon affirmative designations;
- Exhibit 2: Dale Bacon counter designations to Defendants' counter designations;
- Exhibit 4: John Butenhoff (July 23, 2020) affirmative designations;
- Exhibit 6: John Butenhoff (July 24, 2020) affirmative designations;
- Exhibit 7: John Butenhoff (July 24, 2020) counter designations to Defendants' counter designations;
- Exhibit 9: Jon Gerber affirmative designations;
- Exhibit 10: Jon Gerber counter designations to Defendants' counter designations;
- Exhibit 14: Brian Mader affirmative designations;
- Exhibit 15: Brian Mader counter designations to Defendants' counter designations;
- Exhibit 17: Paul Nicoletti affirmative designations;
- Exhibit 19: Geary Olsen (April 8, 2021 and April 9, 2021) affirmative designations;
- Exhibit 20: Geary Olsen (April 9, 2021) counter designations to Defendants' counter designations; and
- Exhibit 27: John Schuster affirmative designations.

2. In light of the recent absence of the Telomer Defendants at trial, Plaintiff has

withdrawn its affirmative designations for Anne Regina and Dennis Kennedy, reserving its rights to re-designate or modify its original designations subject to the evidence that is ultimately presented at trial.

3. Plaintiff has withdrawn its affirmative designations for William Spence, as Mr. Spence will appear live at trial. Accordingly, 3M has withdrawn Defendants' counter designations previously submitted for Mr. Spence.

Plaintiff further reserves all rights regarding deposition designations and objections and remains committed to resolving any additional evidentiary or other issues with Defendants prior to trial.

Dated: June 1, 2023
New York, New York

By: s/ Fred Thompson, III

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 1st Day of June, 2023 and was thus served electronically upon counsel of record.

s/ Fred Thompson III

Fred Thompson III